

Notice of Allowability

Application No.

09/113,491

Examiner

Toan D. Nguyen

Applicant(s)

CALLON ET AL.

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/26/05.
2. ☒ The allowed claim(s) is/are 2-13, 16-22, 24-32, 36-38 are renumbered 1-31, respectively.
3. ☒ The drawings filed on 10 July 1998 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>7/20/05</u> |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Examiner Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Mark Boys on July 20, 2005.

2. The application has been amended as follows:

IN THE CLAIMS:

In claim 2 line 3, delete "a plurality of nodes" and insert --- the plurality of nodes ---.

In claim 2 line 4, delete "data packets" and insert --- the data packets ---.

In claim 2 line 5, delete "forward data" and insert --- forward the data packets ---.

In claim 2 line 8, delete "data packets" and insert --- the data packets ---.

In claim 2 line 12, delete "data packets" and insert --- the data packets ---.

In claim 2 line 20, delete "data packets" and insert --- the data packets ---.

In claim 2 line 22, delete "such that recovery operations at a plurality of nodes" and insert -- such that the recovery operations at the plurality of nodes ---.

In claim 4 line 3, delete "data packets" and insert --- the data packets ---.

In claim 11 line 1 and line 3, delete "data packets" and insert --- the data packets ---.

In claim 12 line 1, delete "data packets" and insert --- the data packets ---.

In claim 13 line 1, delete "data" and insert --- the data packets ---.

In claim 19 line 1, delete "recovery operations at a plurality of" and insert --- the recovery operations at the plurality of ---.

In claim 20 line 1, delete "at least one node" and insert --- the at least one node --
-.

In claim 27 line 3, delete "a plurality of nodes" and insert --- the plurality of nodes
---.

In claim 27 line 4 and line 5, delete "data packets" and insert --- the data packets
---.

In claim 27 line 8 and line 13, delete "data packets" and insert --- the data
packets ---.

In claim 27 line 16, delete "data packets" and insert --- the data packets ---.

In claim 27 line 18, delete "data" and insert --- the data packets ---.

In claim 27 line 20 and line 22, delete "data packets" and insert --- the data
packets ---.

In claim 27 line 24, delete "such that recovery operations at a plurality of nodes"
and insert --- such that the recovery operations at the plurality of nodes ---.

In claim 30 line 1, delete "data packets" and insert --- the data packets ---.

In claim 30 line 3, delete "that data" and insert --- that the data packets ---.

In claim 31 line 1, delete "data packets" and insert --- the data packets ---.

In claim 32 line 1, delete "data packets" and insert --- the data packets ---.

The above examiner's amendment was made to clarify the claims.

Allowable Subject Matter

3. The following is an examiner's statement of reasons for allowance:

Regarding claim 2, the prior art fails to teach a combination of the steps of:

wherein the information that the data packets cannot be transferred between the at least one of the nodes and the next successive node includes a time at which nodes receiving the information should perform a recovery operation such that the recovery operations at the plurality of nodes on the network are synchronized, in the specific combination as recited in the claim.

Regarding claim 27, the prior art fails to teach a combination of the steps of:

Characterized in that the data packets to be transferred are embedded in virtual packets addressed for the alternate route, and then sent, and further characterized in that the information that the data packets cannot be transferred between the at least one of the nodes and the next successive node includes a time at which nodes receiving the information should perform a recovery operation such that the recovery operations at the plurality of nodes on the network are synchronized, in the specific combination as recited in the claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

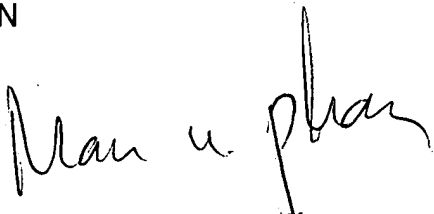
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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan D. Nguyen whose telephone number is 571-272-3153. The examiner can normally be reached on M-F (7:00AM-4:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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MAN U. PHAN
PRIMARY EXAMINER